



Town of Groton, Connecticut

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager
(860)441-6630

Meeting Minutes

Representative Town Meeting

Representatives Jeffrey Armstrong, Joseph Baril, Lori Bartinik, Genevieve Cerf, Wayne Chiapperini, Michael Collins, Joseph delaCruz, Luanne DeMatto, Debra Dickey, Susan Dowling, Shirley Dunbar-Rose, George Edwards Jr, Suzanne Elliot, Norbert Fay, Robert Garcia, Patrice Granatosky, Dolores Harrell, Barbara Hoelck, Gordon Lange, David Miner, Nancy Mitchell, Deborah Monteiro, Matt Morton, Scott Newsome, Nora Patterson, Darcy Peruzzotti, Kevin Power, Don Pratt, Rita Schmidt,, Jennifer Smuts, Eleanor Steere, Fritz Stein, Joan Steinfeld, Irma Streeter, Mark Svencer, George Swift, Patricia Thunberg, Tom Vivirito, Robert Walker Sr, John Waller and Elizabeth Weil.

Wednesday, March 10, 2004

7:30 PM

Senior Center

Regular Meeting

A. ROLL CALL

Moderator Shirley Dunbar-Rose called the meeting to order at 7:30 p.m. 37 members were present and a quorum was declared.

Members Present: Rep. Armstrong, Rep. Baril, Rep. Bartinik, Rep. Cerf, Rep. Chiapperini, Rep. Collins, Rep. delaCruz, Rep. DeMatto, Rep. Dickey, Rep. Dowling, Rep. Dunbar-Rose, Rep. Elliot, Rep. Garcia, Rep. Granatosky, Rep. Harrell, Rep. Lange, Rep. Miner, Rep. Mitchell, Rep. Monteiro, Rep. M. Morton, Rep. Newsome, Rep. Patterson, Rep. Peruzzotti, Rep. Power, Rep. Pratt, Rep. Schmidt, Rep. Smuts, Rep. Steere, Rep. Stein, Rep. Steinfeld, Rep. Svencer, Rep. Swift, Rep. Thunberg, Rep. Vivirito, Rep. Walker, Sr., Rep. Waller, II and Rep. Weil

Members Absent: Rep. Edwards, Jr., Rep. Fay, Rep. Hoelck and Rep. Streeter

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, Superintendent of Buildings and Grounds Wes Greenleaf, Town Councilors Thomas Skrmetti, Paulann Sheets and Mick O'Beirne, Town Clerk Barbara Tarbox and Assistant Town Clerk Sally Whitney.

B. MOMENT OF SILENCE AND SALUTE TO THE FLAG

The members observed a moment of silence followed by the Salute to the Flag.

C. APPROVAL OF MINUTES OF FEBRUARY 11, 2004

A motion to approve was made by Rep. DeMatto, seconded by Rep. Miner.

Rep. Weil requested a correction to the header of Section I. (Other Business) to remove "RTM". She noted that the letter was not from the RTM as a whole but from only some members of the RTM.

The vote to approve the minutes as amended carried 34 in favor, 3 abstentions. (Abstaining: Reps. Swift, Power and Waller).

D. CITIZENS' PETITIONS

None

E. RECEPTION OF COMMUNICATIONS

Moderator Dunbar-Rose reported that Rep. Hoelck will not be attending.

The three School Bonding Ordinances concerning Eastern Point School, Freeman Hathaway School and Fitch Senior High School were referred under Rule 6.5.3 and are on the agenda for this meeting. The packets of information concerning these ordinances were mailed to each member.

The Moderator's letter for the FY 2005 Budget was mailed with the agenda. The annual RTM budget meeting will begin on May 3, 2004 at 7:30 p.m.

The Town Council Public Hearing on the Budget has been scheduled for March 29, 2004 at 7:00 p.m. at the Senior Center.

F. REPORT OF THE TOWN MANAGER:

1. Financial report

Mr. Vincent reported that the Unreserved & Undesignated Fund Balance of July 1, 2003 is \$4.9 million or 5.0% of the Actual FYE 2003 Expenditures; the General Contingency for FYE 2004 was appropriated at \$400,000 with no transfers made to date; The Capital Reserve Fund has a balance of \$1,912,825. He spoke briefly about the six Congressional Issues on which the Manager's office prepared papers for Mayor Watson. Mayor Watson visited the offices of Senators Dodd and Lieberman and Rep. Simmons during the National League of Cities Conference.

2. Monthly briefing

Town Manager Oefinger stated the budget is almost done. He projects that copies of the budget book will be given to Councilors on March 16 and should be available to the RTM around March 17th. The Council budget schedule should be finalized by the end of the week. It will be available as soon as possible, but he recommends that members contact the Manager's Office or the Town Clerk for particular account information as the schedule does change due to delays in consideration of the accounts.

Environmental test work is being done on the King property. Results should be available for the next RTM meeting.

He reported positive economic news for downtown Mystic as work is expected to begin on the Allyn/Bolander building this summer. Groton Shoppers Mart has started construction on the new Big Y store. Lighthouse Square has begun construction for the Walgreens; "TJ Maxx Center" has recently sold and several new stores or businesses will be there in the next few months.

Rep. Vivirito asked if any recognition has been planned for the AVCRAD National Guard Unit which recently returned from its one-year assignment in Iraq.

The Town Manager stated that it is being discussed with the Mayor and Council. It was felt that this initial time at home should be reserved for the families and friends of the AVCRAD Unit and a Town event could be held in a few months. Many ideas have been suggested but nothing has been decided. He invited anyone who wants to be involved or offer suggestions to contact his office.

G. LIAISON REPORTS

1. Town Council - Rep. Cerf

No meeting; no report

2. Economic Development Commission - Rep. Schmidt

A meeting was held on March 9th, but no quorum was present. Some discussion was held.

3. Town Council/Board of Education Liaison Committee - Rep. Patterson

No report. Rep. Patterson stated that multiple problems with plumbing, roofs, water, gas leaks, boilers and heating systems exist with numerous schools.

4. School Design Committee - Rep. Miner

Rep. Miner reported a public hearing was held on Monday March 1, 2004 concerning the three Bonding Ordinances. These ordinances were referred to the RTM Education and Public Works Committees. He deferred any further comments as these committees will be reporting on the actions later in the meeting.

H. COMMITTEE REPORTS

1. FINANCE

a. Chairman's notes of the business of the Town - Chairman Schmidt

No meeting; no report.

2. COMMUNITY & ECONOMIC DEVELOPMENT**a. Chairman's notes of the business of the Town - Chairman Dickey**

No meeting; no report.

3. EDUCATION**a. Chairman's notes of the business of the Town - Chairman Newsome**

Rep. Newsome stated a meeting was held Monday, March 8, 2004 to consider the three school bonding ordinances and a joint report will be presented by Rep. Collins, chairman of Public Works Committee.

4. HEALTH & SOCIAL SERVICES**a. Chairman's notes of the business of the Town - Chairman DeMatto**

No meeting; no report.

5. RECREATION**a. Chairman's notes of the business of the Town - Chairman delaCruz**

No meeting; no report.

6. PUBLIC SAFETY**a. Chairman's notes of the business of the Town - Chairman Vivirito**

No meeting; no report.

7. PUBLIC WORKS**a. Chairman's notes of the business of the Town - Chairman Collins****2004-0088 Adoption of Ordinance for Construction of a New Elementary School - Eastern Point**

ADOPTION OF ORDINANCE APPROPRIATING \$26,100,000 FOR CONSTRUCTION OF A NEW ELEMENTARY SCHOOL ON EITHER THE EASTERN POINT SCHOOL SITE OR THE KING PROPERTY SITE AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of TWENTY SIX MILLION ONE HUNDRED THOUSAND DOLLARS (\$26,100,000) is appropriated for construction of a new Elementary School to be located on either (a) the existing Eastern Point Elementary School property off Shennecosset Road in the southwestern part of Groton, or (b) a portion of Town-owned property, the so called King property, off Poquonock Road in the southwestern part of Groton. The project will include design and construction of an approximately 74,000 square foot new elementary school which will include approximately eighteen classrooms for grades kindergarten through five, a pre-kindergarten classroom, a science classroom, art classroom, music classroom, special education spaces, resource room, media center, gymnasium, cafeteria/multi-purpose room, kitchen, spaces and facilities for administration, support services and storage, recreational fields, parking and access drives, as well as any necessary demolition of existing school facilities, off site wetland mitigation and temporary classroom and school spaces. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements to and on the school site, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project, subject to the determination by the voters of the Town of the project site at referendum in accordance with the provisions of Sections 9 and 11 of this ordinance. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project.

Section 2. That the Town issue bonds or notes, in an amount not to exceed TWENTY SIX

MILLION ONE HUNDRED THOUSAND DOLLARS (\$26,100,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWENTY SIX MILLION ONE HUNDRED THOUSAND DOLLARS (\$26,100,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance, the Board of Education and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. That, notwithstanding Sections 1, 2 and 3 of this ordinance: (a) the appropriation provided in this ordinance shall be spent on, and the borrowings provided in this ordinance shall be authorized for, a school project on only one of the two sites specified in Section 1, which specific site shall be determined by the voters in the manner described in Section 11 of this ordinance; and (b) if the Eastern Point site is chosen as the site for the new elementary school, the appropriation and authorization of bonds and notes to finance the appropriation under this ordinance shall be limited to \$24,300,000.

Section 10. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Section 11. If the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation are approved by the voters as provided in Section 10, this ordinance shall not become effective until the voters at referendum, in accordance with Section 8.12 of the Town Charter, have determined whether the expenditure of the appropriation and the borrowing authorization shall be applied to a school project at the existing Eastern Point Elementary School site or at the King property site, and notice of passage of such determination has been published in accordance with the Town Charter.

A motion was made by Rep. Collins, seconded by Rep. Walker, Sr., that this matter be Adopted and Sent To Referendum.

Rep. Lange asked what will happen to the state money if the ordinance is voted down. The Town Manager referred to an e-mail received from the State indicating that the money can be shifted to other school construction.

Rep. Armstrong questioned whether, if this one ordinance is rejected, there would be time to address concerns from possible lawsuits and hold a referendum in May.

The Town Manager said that the time required for applications to the State, and the process of notifications, hearings, and approvals would take too much time. The Manager has consulted the Town's Bonding Attorney, who has approved the referendum questions. The Town Manager read the last paragraph of the legal opinion from the Bonding Attorney.

Rep. Peruzzotti is in favor of new schools, but can't vote in favor of this ordinance. She feels the Council has passed off the important decision of site location to the constituents. She noted that the Board of Education and Council need to work together on this, especially since the Board is adamant about not locating a new school on the existing Eastern Point site.

The motion carried by the following vote:

Votes: In Favor: 29 - Rep. Baril, Rep. Bartnik, Rep. Cerf, Rep. Chiapperini, Rep. Collins, Rep. delaCruz, Rep. Dowling, Rep. Dunbar-Rose, Rep. Elliot, Rep. Garcia, Rep. Granatosky, Rep. Harrell, Rep. Miner, Rep. Mitchell, Rep. M. Morton, Rep. Newsome, Rep. Patterson, Rep. Pratt, Rep. Schmidt, Rep. Smuts, Rep. Steere, Rep. Stein, Rep. Steinfeld, Rep. Svencer, Rep. Swift, Rep. Thunberg, Rep. Walker, Sr., Rep. Waller, II and Rep. Weil
Opposed: 5 - Rep. DeMatto, Rep. Monteiro, Rep. Peruzzotti, Rep. Power and Rep. Vivirito
Abstain: 3 - Rep. Armstrong, Rep. Dickey and Rep. Lange

2004-0089

Adoption of Ordinance for Demolition of Freeman Hathaway and Construction of a New Elementary School

ADOPTION OF ORDINANCE APPROPRIATING \$20,800,000 FOR DEMOLITION OF THE FORMER FREEMAN-HATHAWAY ELEMENTARY SCHOOL FACILITY AND CONSTRUCTION OF A NEW ELEMENTARY SCHOOL ON THE SAME PROPERTY AND

AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO
FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of TWENTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$20,800,000) is appropriated for demolition of the former Freeman-Hathaway Elementary School facility and construction of a new Elementary School to be located on the existing Freeman-Hathaway property off Oslo Street in the northeastern part of Groton. The project will include demolition of the former school building, design and construction of an approximately 74,000 square foot new elementary school which will include eighteen classrooms for grades kindergarten through five, a pre-kindergarten classroom, a science classroom, art classroom, music classroom, special education spaces, resource room, media center, gymnasium, cafeteria/multi-purpose room, kitchen, spaces and facilities for administration, support services and storage, recreational fields, parking and access drives. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements to and on the school sites, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project.

Section 2. That the Town issue bonds or notes, in an amount not to exceed TWENTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$20,800,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWENTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$20,800,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes;

and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance, the Board of Education and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

A motion was made by Rep. Collins, seconded by Rep. Steinfeld, that this matter be Adopted and Sent To Referendum.

Rep. Vivirito questioned the plans at Freeman Hathaway in respect to a new entrance road and the associated additional cost.

The Town Manager stated that an access from Ann Avenue is part of the plan. The expense for this has already been included in the project.

The motion carried unanimously.

2004-0090

Adoption of Ordinance for Renovations and Additions to Fitch High School

ADOPTION OF ORDINANCE APPROPRIATING \$45,000,000 FOR PHASE I OF RENOVATIONS AND ADDITIONS TO FITCH HIGH SCHOOL AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of FORTY FIVE MILLION DOLLARS (\$45,000,000) is appropriated for renovations and additions to Fitch High School to be located on the existing high school site off Groton Long Point Road in the southern part of Groton. The Phase I project will include design and construction of additions of approximately 119,000 square feet, renovations of approximately 40,000 square feet of the existing facility and demolition of approximately 50,000 square feet of the existing facility. The additions and renovations will include approximately twenty four classrooms for grades nine through twelve, science classrooms/laboratories, art studios, technology and vocational education classrooms, language classrooms, special education

classrooms, cafeteria and support spaces, and spaces and facilities for administration, support services and storage, parking and access drives as well as temporary classrooms and support spaces. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements to and on the school sites, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project.

Section 2. That the Town issue bonds or notes, in an amount not to exceed FORTY FIVE MILLION DOLLARS (\$45,000,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed FORTY FIVE MILLION DOLLARS (\$45,000,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance, the Board of Education and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

A motion was made by Rep. Collins, seconded by Rep. Miner, that this matter be Adopted and Sent To Referendum.

The motion carried unanimously.

8. RULES & PROCEDURES

a. Chairman's notes of the business of the Town - Chairman Weil

No meeting; no report.

I. OTHER BUSINESS

None.

J. ADJOURNMENT

A motion to adjourn at 8:17 p.m. was made by Rep. Smuts, seconded by Rep. Miner. The motion carried unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the RTM*

Sally A. Whitney, Assistant Town Clerk